

## **IC 7.1-5**

### **ARTICLE 5. CRIMES AND INFRACTIONS**

## **IC 7.1-5-1**

### **Chapter 1. General Provisions; Public Intoxication**

## **IC 7.1-5-1-0.1**

### **Repealed**

*(As added by P.L.220-2011, SEC.176. Repealed by P.L.63-2012, SEC.8.)*

## **IC 7.1-5-1-1**

### **Prohibition against commercial purposes**

Sec. 1. (a) It is unlawful for a person to manufacture for sale, bottle, sell, barter, import, transport, deliver, furnish, or possess, alcohol or alcoholic beverages, malt, malt syrup, malt extract, liquid malt or wort, for commercial purposes except as authorized in this title.

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.159-2014, SEC.18.*

## **IC 7.1-5-1-2**

### **Repealed**

*(Repealed by Acts 1973, P.L.58, SEC.2.)*

## **IC 7.1-5-1-3**

### **Public intoxication prohibited; failure to enforce by a law enforcement officer**

Sec. 3. (a) Subject to section 6.5 of this chapter, it is a Class B misdemeanor for a person to be in a public place or a place of public resort in a state of intoxication caused by the person's use of alcohol or a controlled substance (as defined in IC 35-48-1-9), if the person:

- (1) endangers the person's life;
- (2) endangers the life of another person;
- (3) breaches the peace or is in imminent danger of breaching the peace; or
- (4) harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.702; P.L.213-2001, SEC.2; P.L.93-2012, SEC.2; P.L.117-2012, SEC.1.*

#### **IC 7.1-5-1-4**

##### **Repealed**

*(Repealed by Acts 1973, P.L.156, SEC.2.)*

#### **IC 7.1-5-1-5**

##### **Repealed**

*(Repealed by Acts 1973, P.L.156, SEC.2.)*

#### **IC 7.1-5-1-6**

##### **Intoxication upon common carrier prohibited; failure to enforce by a law enforcement officer**

Sec. 6. (a) Subject to section 6.5 of this chapter, it is a Class B misdemeanor for a person to be, or to become, intoxicated as a result of the person's use of alcohol or a controlled substance (as defined in IC 35-48-1-9) in or upon a vehicle commonly used for the public transportation of passengers, or in or upon a common carrier, or in or about a depot, station, airport, ticket office, waiting room or platform, if the person:

- (1) endangers the person's life;
- (2) endangers the life of another person;
- (3) breaches the peace or is in imminent danger of breaching the peace; or
- (4) harasses, annoys, or alarms another person.

(b) A person may not initiate or maintain an action against a law enforcement officer based on the officer's failure to enforce this section.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978, P.L.2, SEC.703; P.L.213-2001, SEC.3; P.L.93-2012, SEC.3; P.L.117-2012, SEC.2.*

#### **IC 7.1-5-1-6.5**

##### **Request of medical assistance, victim of sex offense, crime witness; prohibited from being taken into custody; immunity from criminal prosecution; actions against law enforcement officers**

Sec. 6.5. (a) A law enforcement officer may not take a person into custody based solely on the commission of an offense involving alcohol described in subsection (b) if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

- (1) The law enforcement officer has contact with the person because the person:
  - (A) either:
    - (i) requested emergency medical assistance; or
    - (ii) acted in concert with another person who requested emergency medical assistance;for an individual who reasonably appeared to be in need of medical assistance;
  - (B) is the victim of a reported sex offense (as defined in

- IC 11-8-8-5.2); or  
(C) witnessed and reported what the person reasonably believed to be a crime.
- (2) The person described in subdivision (1)(A), (1)(B), or (1)(C):
- (A) provided:
    - (i) the person's full name; and
    - (ii) any other relevant information requested by the law enforcement officer; and
  - (B) in the case of a person described in subdivision (1)(A):
    - (i) remained at the scene with the individual who reasonably appeared to be in need of medical assistance until emergency medical assistance arrived; and
    - (ii) cooperated with emergency medical assistance personnel and law enforcement officers at the scene.
- (b) A person who meets the criteria of subsection (a)(1) and (a)(2) is immune from criminal prosecution for an offense under:
- (1) section 3 of this chapter if the offense involved a state of intoxication caused by the person's use of alcohol;
  - (2) section 6 of this chapter if the offense involved the person being, or becoming, intoxicated as a result of the person's use of alcohol; and
  - (3) IC 7.1-5-7-7.
- (c) A person may not initiate or maintain an action against a law enforcement officer based on the officer's compliance or failure to comply with this section.
- As added by P.L.93-2012, SEC.4. Amended by P.L.156-2014, SEC.2.*

#### **IC 7.1-5-1-6.6**

##### **Dismissal of public intoxication or illegal possession charges**

Sec. 6.6. (a) This section applies only to a person:

- (1) arrested for a violation of:
    - (A) section 3 of this chapter if the offense involved a state of intoxication caused by the person's use of alcohol;
    - (B) section 6 of this chapter if the offense involved the person being, or becoming, intoxicated as a result of the person's use of alcohol; or
    - (C) IC 7.1-5-7-7; and
  - (2) whose arrest was facilitated because another person reported that the person appeared to be in need of medical assistance due to the use of alcohol.
- (b) If a person described in subsection (a):
- (1) does not have a prior conviction for an offense described in subsection (a);
  - (2) pleads guilty to an offense described in subsection (a); and
  - (3) agrees to be placed in the custody of the court;
- the court, without entering a judgment of conviction, shall defer further proceedings and place the person in the custody of the court under conditions determined by the court.

(c) If the person placed in the custody of the court violates the conditions of custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person.

(d) There may be only one (1) dismissal under this section with respect to a person.

*As added by P.L.156-2014, SEC.3.*

#### **IC 7.1-5-1-7**

##### **Notice of conviction sent to commission**

Sec. 7. Notice of Conviction Sent to Commission. A court, upon convicting a permittee for a violation of a provision of this title, shall cause a certified copy of the judgment of conviction to be made and forwarded to the commission.

*(Formerly: Acts 1973, P.L.55, SEC.1.)*

#### **IC 7.1-5-1-8**

##### **Repealed**

*(Formerly: Acts 1973, P.L.55, SEC.1. As amended by Acts 1978, P.L.2, SEC.704. Repealed by P.L.159-2014, SEC.19.)*

#### **IC 7.1-5-1-9**

##### **Repealed**

*(Formerly: Acts 1973, P.L.55, SEC.1. As amended by Acts 1978, P.L.2, SEC.705; P.L.158-2013, SEC.125. Repealed by P.L.159-2014, SEC.20.)*

#### **IC 7.1-5-1-9.5**

##### **Repealed**

*(As added by P.L.121-1998, SEC.1. Amended by P.L.204-2001, SEC.49; P.L.1-2006, SEC.150; P.L.109-2013, SEC.9. Repealed by P.L.159-2014, SEC.21.)*

#### **IC 7.1-5-1-10**

##### **Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.727.)*

#### **IC 7.1-5-1-11**

##### **Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.727.)*

#### **IC 7.1-5-1-12**

##### **Violation of commission's order**

Sec. 12. Violation of Commission's Order. A person who recklessly imports, transports, receives, purchases, sells, distributes, delivers, or possesses an alcoholic beverage in violation of an order of the commission entered pursuant to IC 7.1-2-7, commits a Class B misdemeanor.

*(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1978,*

*P.L.2, SEC.706.*